

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIE JAMES YELDON,

Plaintiff,

v.

9:10-CV-00266

DONALD SAWYER, *Director*; JAMES MORGAN, *Director*;
MAXYMILLIAN, *Dr., Director*; CHARMAINE BILL, *Treatment
Leader*; KUMAR BAHL; *Dr., Physical*; BRENNAN; *T.A.*;
FAIRBROTHER, *T.A.*; ESPINOSA, *T.A.*; SEARCY, *T.A.*;
CROCKET, *Nurse*; FORSTIE; FRAZIER, *T.A.*; FICAL,
T.A.; ASHLEY, *T.A.*; McCANN, *T.A.*; LEONARD, *T.A.*;
PARRISH, *T.A.*; GRAY, *N.A.*; DELMEDICO, *N.A.*;
BRETT DAVIS, *T.A.*; HELLENBECK, *T.A.*; DONNA
NARDOZZA, *Nurse*; LAUREN BARRETT, *Nurse*; QASIM
PIRACHA, *T.A.*; MARIANNE MADIA, *Nurse*,

Defendants.

THOMAS J. McAVOY
United States District Judge

DECISION and ORDER

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon.
Randolph F. Treece, United States Magistrate Judge, for a Report-Recommendation
pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the April 26, 2012 Report-Recommendation have been raised.
After examining the record, this Court has determined that the Report-Recommendation is
not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the
Report-Recommendation for the reasons stated therein.

It is, therefore, ORDERED that:

(1) any claims against Defendants McCann and Crocket are DISMISSED without prejudice;

(2) any claims of excessive force in the side room to Ward 305 against Defendants Ashley, Brennan, Davis, Espinosa, Fairbrother, Fical, Frazier, Hollenbeck, Leonard, Parrish, Piracha, Searcy, Nardozza, and Bahl, survive summary judgment and Defendants' motion is DENIED as to these claims;

(3) any claims of Excessive Force in the side room to Ward 604 against Defendants Hollenbeck and Piracha, do not survive summary judgment and Defendants' motion is GRANTED as to these claims;

(4) any claims of Failure to Protect against Defendants Madia, Forstie, Gray, and Delmedico relating to an assault on Plaintiff in the side room of Ward 305 survive summary judgment and Defendants' motion is DENIED as to these claims;

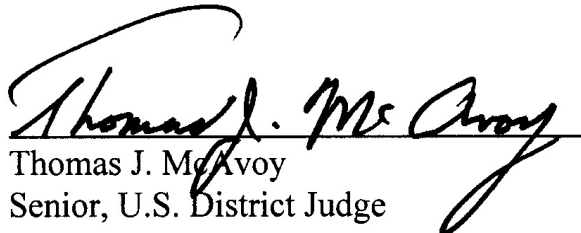
(5) any claims against Defendants Maxymillian, Sawyer, Bill, Morgan, and Barrett, are DISMISSED and Defendants' motion for summary judgment is GRANTED as to these claims;

(6) any claims seeking monetary relief from Defendants based on their conduct while acting in their official capacities are DISMISSED pursuant to the Eleventh Amendment; and

(7) the Clerk of the Court shall note the correct spelling of the names of Defendants Charmaine Bill, Qasim Piracha, and Marianne Madia.

IT IS SO ORDERED.

Dated: June 4, 2012


Thomas J. McAvoy
Senior, U.S. District Judge